

Attorney for Appellant
PARAVUE CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PARAVUE CORPORATION,
Appellant,

V.

HELLER EHRMAN, LLP,
Appellee.

No. 3:14-cv-3887 CRB

Hon. Charles R. Breyer

STIPULATED REQUEST FOR ORDER CHANGING TIME OF BRIEFING SCHEDULE

ORDER

Pursuant to Local Rule 7-12, Appellant PARAVUE CORPORATION and Appellee HELLER EHRMAN, LLP, by and through their respective undersigned counsel, stipulate and agree to an extension of the briefing deadlines in this appeal, in the respects stated herein.

In support of this stipulation, the undersigned counsel for Appellant, James V. Weixel, states and declares as follows:

1. I am an attorney at law licensed to practice before all courts of the State of California, and am a member of the bar of this Court. I am counsel of record in this proceeding for Appellant Paravue

1 Corporation. I have personal knowledge of the matters stated in this Declaration and, if called to testify
2 thereto, could and would do so truthfully and competently.

3 2. I make this Declaration pursuant to Local Rule 6-2 in support of the parties' stipulation
4 for an extension of the briefing schedule in this matter.

5 3. By previous agreement of the parties and the order of the Court, Paravue's opening brief
6 to this Court is due by February 16, 2015, Heller Ehrman's answering brief is due by April 6, 2015, and
7 Paravue's reply brief is due by April 20, 2015.

8 4. On December 19, 2015, Paravue filed a motion for a limited remand of this matter to the
9 bankruptcy court for the purpose of allowing that court to consider and determine Paravue's motion for
10 reconsideration of the summary judgments granted in Heller Ehrman's favor on the claims which are the
11 subject of this appeal. The parties agreed to continue the hearing until February 6, 2015. However, the
12 Court, *sua sponte*, set the hearing for February 20, 2015, which presumably was the Court's next
13 available hearing date. Briefing on the motion has been completed, with the exception of a corrective
14 supplement (without further argument) that Paravue plans to file no later than the end of business on
15 Monday, February 9, 2015.

16 5. The parties had originally agreed to the above hearing and briefing schedule in part
17 because the motion for limited remand would have been heard before the appellate briefing commenced.
18 However, the Court's setting of the hearing on the motion for limited remand for February 20th resulted
19 in that motion being scheduled for hearing *after* Paravue's opening appellate brief is due to be filed on
20 February 16th, which is in the reverse order agreed upon by the parties in the previous stipulation.
21 Accordingly, on February 6, 2015, I contacted Heller Ehrman's counsel, Marjorie E. Manning, Esq., to
22 propose an extension of all deadlines in the appellate briefing schedule. Ms. Manning advised me it is
23 her position the outcome of the February 20th hearing on the motion to remand will not alter the nature
24 or scope of the appeal before this Court and thus provides no basis for an additional extension of time to
25 file Paravue's opening brief. However, she agreed to stipulate to a one-week extension of the existing
26 deadlines in the interest of professional cooperation and courtesy.

27 6. As stated in the stipulation below, the parties have stipulated and agreed to the following
28 revised briefing schedule as appropriate and reasonable:

Appellant's opening brief due: **February 23, 2015**

Appellee's brief due: **April 13, 2015**

Appellant's reply brief due: **April 27, 2015**

7. There have been three stipulations for an extended briefing schedule, which have resulted in the current briefing schedule reflected in the Court's order filed January 7, 2015 (Doc. 22).

8. The requested extension would cause the briefing schedule in this matter to be extended by one week with respect to all deadlines, as set forth above.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 9th day of February, 2015, at San Francisco, California.

/s/ James V. Weixel
James V. Weixel

STIPULATION

Appellant Paravue Corporation and Appellee Heller Ehrman, LLP, by and through their respective undersigned counsel, stipulate and agree, and thereupon request that the Court enter an order accordingly, to change time to reflect an extension of the briefing schedule in the appeal before this Court as follows:

Appellant's opening brief due: **February 23, 2015**

Appellee's brief due: **April 13, 2015**

Appellant's reply brief due: **April 27, 2015**

This stipulation is made upon the declaration of James V. Weixel, Esq., counsel for Paravue Corporation in this proceeding, as stated *supra*.

The parties stipulate and agree to this briefing schedule and request that the Court enter an order accordingly, pursuant to Local Rules 6-2 and 7-12.

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1 Dated: February 9, 2015.

WEIXEL LAW OFFICE

2
3 By: /s/ James V. Weixel
4 James V. Weixel

5 Attorney for Appellant
6 PARAVUE CORPORATION

7
8 Dated: February 9, 2015.

BOLLING & GAWTHROP

9
10 By: /s/ Marjorie E. Manning
11 Marjorie E. Manning (by consent)

12 Attorney for the Post-Confirmation Liquidating Debtor,
13 Appellee HELLER EHRMAN, LLP

14
15 **ATTESTATION RE ELECTRONIC SIGNATURE(S)**

16 I, James V. Weixel, counsel for Appellant Paravue Corporation, hereby attest pursuant to Local
17 Rule 5-1(i)(3) that the electronic signature(s) of other counsel and/or parties appearing above indicate(s)
18 that concurrence in the filing of this document has been obtained from each of said counsel and/or
19 parties, and that such electronic signature(s) serve(s) in lieu of said signature(s) on the document.

20 Dated: February 9, 2015.

WEIXEL LAW OFFICE

21
22 By: /s/ James V. Weixel
23 James V. Weixel

24 Attorney for Appellant
25 PARAVUE CORPORATION

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Signed: February 11, 2015

